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| 10/039,961 | 12/31/2001 | Andrew F. Glew | 42390.P13736 | 8435 |

7590 07/10/2007
John P. Ward, Esq.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

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| EXAMINER |
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PYZOCHA, MICHAEL J

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| ART UNIT | PAPER NUMBER |
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2137

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07/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/039,961

Applicant(s)

GLEW ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-23,25,26,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) 10,11,19-21,25,26,30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9,12-18,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

1. Claims 1, 2, 4-6, 8, 9, 12-18, 22 and 23 have been considered.
2. Amendment filed 05/29/2007 has been received and considered.

Abstract

3. The abstract submitted 11/15/2006 has been accepted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-6, 8, 9, 12-14, 16-18, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by England et al. (US 6651171).

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As per claims 1 and 23, England et al. discloses a processor comprising: memory; one or more execution units to load an authenticated code module into the memory, to lock the memory (see column 6 lines 5-39 and 47-67), to retrieve a key, to authenticate an authenticated code module stored in the memory using the key, and to execute the authenticated code module stored in the memory in response to executing a launch instruction (see column 3 lines 35-43; column 3 line 65 through column 4 line 13 and column 13 lines 15-26).

As per claim 2, England et al. discloses a cache memory that provides the memory (see column 8 lines 21-25).

As per claims 4-5, England et al. discloses the execution units lock the cache memory to prevent replacement of lines of the authenticated code module stored in the cache memory (see column 7 lines 1-4 and column 11 lines 40-63).

As per claims 6 and 22, England discloses a decoder to generate one or more opcodes for the launch instruction, wherein the execution units authenticate and execute the authenticated code module in response to executing the one or more opcodes (see column 9 lines 5-19).

As per claims 8, 9, and 12-14, England et al. discloses a key, wherein the execution units utilize the key to authenticate the authenticated code module and wherein the execution units,

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in response to the launch instruction retrieve a key from a chipset and use the key to authenticate the authenticated code module stored in the memory (see column 13 lines 10-62 and column 15 lines 19-52).

As per claims 16-18, England et al discloses the execution units initiate execution of the authenticated code module only if the authenticated code module is determined to be authentic (see column 9 lines 12-15 and column 7 lines 35-59).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over England et al., as applied to claim 1, in view Abgrall (US 20030037237).

As per claim 15, England et al. fails to the use of RSA and SHA-1 for the digital signature verification.

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However, Abgrall discloses that RSA and SHA-1 are commonly used in signature verification (see paragraph 346).

It would have been obvious to one of ordinary skill in the art at the time the invention to combine the ideas of Abgrall with those of England et al.

Motivation to do so would have been that RSA and SHA-1 are commonly used and known to be effective algorithms for use in such a verification process.

Response to Arguments

8. Applicant's arguments filed 05/29/2007 have been fully considered but they are not persuasive. Applicant argues that England fails to disclose using a key to authenticate an authenticated code module.

With respect to Applicant's argument that England fails to disclose retrieving and using a key to authenticate an authenticated code module in column 13 lines 15-26 England discloses that the authentication step is performed by equipping the loader with a public key cryptography key pair with a certificate to ensure that the target is truly a piece of trusted code. In order to perform this authentication the key must be retrieved and used along with the certificate to verify the trustworthiness (i.e. to authenticate the code). Therefore,

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England teaches retrieving and using a key to authenticate an authenticated code module.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER